

1 RENE L. VALLADARES
2 Federal Public Defender
3 State Bar No. 11479
4 BENJAMIN F. J. NEMEC
5 Assistant Federal Public Defender
6 411 E. Bonneville, Ste. 250
7 Las Vegas, Nevada 89101
(702) 388-6577/Phone
(702) 388-6261/Fax
Ben_Nemec@fd.org

8 Attorney for David Lee Kagel

9
10 **UNITED STATES DISTRICT COURT**
11
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,

14 Case No. 2:24-cr-00024-GMN-DJA-1

15 Plaintiff,

16
17 **STIPULATION TO CONTINUE**

18 v.

19 **SENTENCING HEARING**

20 DAVID LEE KAGEL,

21 (First Request)

22 Defendant.

23
24 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
25 United States Attorney, and Theodore M. Kneller, Trial Attorney, U.S. Department of Justice,
counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
and Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for David Lee Kagel,
that the sentencing hearing currently scheduled on September 10, 2024, be vacated and
continued to the week of October 7, 2024.

26 This Stipulation is entered into for the following reasons:

1. Mr. Kagel has hired experts for mitigation. The experts need additional time to
complete their reports.

2. Mr. Kagel is out of custody and does not object to the continuance. His daughter, who holds power of attorney and helps manage his medical care, does not object to the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the first request for a continuance of the sentencing hearing.

DATED this 3rd day of September, 2024.

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

By /s/ Benjamin F. J. Nemecek
BENJAMIN F. J. NEMEC
Assistant Federal Public Defender

By /s/ Theodore M. Kneller
THEODORE M. KNELLER
Trial Attorney, U.S. Department of Justice

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
DAVID LEE KAGEL,
Defendant.

Case No. 2:24-cr-00024-GMN-DJA-1

ORDER

IT IS THEREFORE

IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for Tuesday, September 10, 2024 at 10:00 a.m., be vacated and continued to October 7, 2024 at the hour of 9:00 a.m.

DATED this 3 day of September, 2024.

UNITED STATES DISTRICT JUDGE